


**FILED**

UNITED STATES DISTRICT COURT  
LAS CRUCES, NEW MEXICO

MAY 06 2021 

MITCHELL R. ELFERS  
CLERK OF COURT

IN THE UNITED STATES COURT OF THE  
New Mexico DISTRICT OF New Mexico  
UNITED STATES OF AMERICA

PLAINTIFF

CASE No: 2:17CR02490-001KG

V.

Gabriela Ruiz-Lujan.  
DEFENDANT

# 91158-051

**MOTION FOR HARDSHIP CREDIT**

**FOR HARD TIME SERVED**

Now comes defendant Gabriela Ruiz-Lujan .-

Respectfully moving said court in the New Mexico district of  
New Mexico .-

With a motion for hard time served requesting the court **grant**  
**two days of credit for one day served.**

## INTRODUCTION

The defendant being on **"lock-down status"**

an estimated 365 days in FCI Aliceville. Located in Aliceville, Alabama. Is considered under the constitutional rights for prisoners a hard time detention facility, invoking several protections under the fifth, eight and fourteenth amendments of the United States Constitution.

There are several factors to consider for the motion that are present at FCI Aliceville that can further protections under the fifth, eight and fourteenth amendments and warrant the **two days credit for one day served** by federal inmates at such facility

### Factors

- 1- FCI Aliceville is currently operating a communal segregation prison limiting liberty interest afforded to the inmates in general population.
- 2- The access to recreational services is limited to only three times per week and at times less than one hour each time. At times several days can pass without any recreation at all making the facility intolerable.
- 3- Dietary needs of inmates are below federal prison standards and "meals" can be "gruel." Inmates are having to use discolored and brown water from sinks located in the cells to drink due to long lockdown hours which is tolerable for one or two days but cruel and unusual under the eighth amendment beyond that.
- 4- The time an inmate in general population spends in her cell can at times be in excess of 22 hours in a single day period, which can amount to solitary confinement and serious and significant deprivation of liberty.
- 5- The lack of movement where an inmate who is not in protection segregation, isolated segregation, administrative segregation or otherwise disciplinary

segregation is subjected to the aforementioned treatment creating a disproportionate punishment to offense.

- 6- Personal hygiene is significantly degraded which depends on the inmate population which is transient in nature to maintain cleanliness of the facility and common illness, which are easily avoidable, can become a problem that the already limited medical staff is unable to suppress before the entirety of the inmates is affected. During normal operations inmates have the opportunity to utilize hair care to cut and maintain our hair but due to the lockdown we have been unable to even cut our hair.
- 7- Medical care is scarce since the beginning of the lockdown due to Covid-19 in March of 2020. It can take months to see medical staff, including dental, medical and mental health doctors. We have not had an optometrist since this lockdown began and many inmates are in need of glasses to see. After applying to see any medical staff during this pandemic and continuously awaiting for a response, if any, confined to your cell up to 22 hours out of a 24 hour day easily depletes your mental health. This situation has created a serious issue for those inmates dealing with depression and anxiety.

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### Conclusion

Federal court will provide relief for deprivation of prisoner's constitutional rights to be free of cruel and unusual punishment during their lockdown due to Covid-19. When the conditions such as the ones at FCI Aliceville become such that a prisoner is deprived of personal hygiene or their diet is inadequate, the eight and fourteenth amendments are violated. In addition to punishment that is imposed for an improper purpose or disproportionate to the offense can violate prisoner's fifth amendment rights.

The date this lockdown began was March 30, 2020 and is still ongoing.

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**Prayer**

On this 30 day of April 2021, The defendant  
Gabriela Ruiz Lujan

prays that the Honorable Judge of said court in the  
New Mexico district of New Mexico grant the hardship credit  
for hard time served and grant the defendant **two days credit**  
**for one served** for the time the inmate (she) has been locked  
down in FCI Aliceville due to Covid-19.

Defendant affirms the above is true and correct to the best of  
her (my) knowledge.

Respectfully submitted;

Gabriela Ruiz Lujan

# 91158-051

Thabreela Ruiz-Dayan # 91158-051 (C1-102)  
Federal Institutional Correctional Aliceville  
P.O. BOX 4000  
Aliceville, Alabama 35442

Honorable Judge: John Longale  
Court Federal U.S. District New Mexico  
100 N. Church St.  
San Juan, NM 88001

